

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:24-00127

HECTOR LUIS GOMEZ DEJESUS
RAYMOND LUIS SAEZ AVILES
GAMALIER RIVERA

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of the defendant Raymond Luis Saez Aviles for a continuance of the trial and all pretrial deadlines in this matter. (ECF No. #97.) Counsel for defendant explains that he needs additional time to explain and review the plea offer with the defendant who resides out of state in Florida and speaks English as a second language. The government and defendant Gamalier Rivera do not object to a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the

exercise of due diligence.” Id. § 3161(h)(7)(B)(iv).

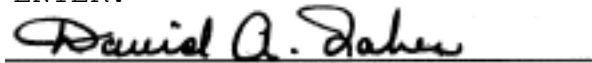
Accordingly, the court hereby **ORDERS** as follows:ⁱ

1. Jury Instructions and Proposed Voir Dire are due by January 30, 2025;
2. Trial of this action is continued to February 11, 2025, at 9:30 a.m. in Bluefield; and
3. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 3rd day of December, 2024.

ENTER:



David A. Faber

Senior United States District Judge

ⁱ As no motion for severance has been granted, these new dates (and the court’s findings regarding excludable time under the Speedy Trial Act) apply to defendants Hector Luis Gomez Dejesus and Gamalier Rivera as well.